

A LETTER to Dr. W. Payne.

S I R,

HAVING understood from one of your late suspended Brethren, that you have been apt to complain of their Silence, and to call for *their Reasons, their Reasons; and why did they not publish their Reasons?* promising, that if they would send you them by the Penny Post, you would take care to answer them. I have hence taken occasion to give you this present trouble; not that I will undertake to relate all their Reasons, nor any of them to the advantage they would themselves, if they were to go about it, but only to attempt some kind of Apology for them, whereby to let you see in short, that they are not without Reason for what they do. And because I would give both you and my self as little Trouble as I can, I will chuse for the most part to deduce my Arguments from such Principles as I know you are so well satisfied in already, that they will not need any farther proof.

1. First therefore I conceive one Reason of their Noncompliance in the matter of the present Oath, might be because they would not be like a kind of *Weather-glasses*, by having their Obedience to *Governours higher or lower, according to the Temperature and Variation of outward Affairs*; this being a likely means to render all their ministerial Endeavours useles and ineffectual, as likewise to become a very great Scandal and Disturbance to such as have known their former Doctrine and manner of Life, and to bring a Reproach upon that excellent Religion they profess. And perhaps they may be the more cautious in this respect, because they have been told, that *Treason has stood so long in this Nation, that it hath run to seed, and scattered its Principles, that will not fail to nourish and make it grow again.* And again, that *Treason is a Disease, which though it be not like the Sweating Sickness of old, a Malady peculiar to English-men, yet the Plenty and Luxury of our Country may perhaps make us more subject to it than others:* For they may probably conclude from hence, that it would be an unpardonable Crime in those who are to be Guides to others, to give any kind of encouragement to so growing and heinous a Sin, which yet they have too much reason to fear a Conformity in the present Case would be.

2. Because though Popery is a Religion most corrupt and dangerous to the Souls of Men, and therefore to be opposed by all lawfull ways, by every honest Man; yet to resist, and rebell against our Governours (and by consequence to oblige our selves to adhere, and assist any that may have done worse by them) for fear of it, nay, for the thing itself, should God in his Judgment bring it upon us, is what the Gospel forbids upon pain of Damnation, and what the first Christians never did against Paganisme, and yet they were as hearty Enemies to that, as we can be against Popery.

Unlawfulness of Stretching forth the Hand agt. Princes, in 2 Sermon, by William Payne Rector of St. Mary Wh. Chapel. Lond.-83. Ep. Ded. p. 3.

Ep. Ded, p. 4. 11. p. 2.

1st. Sermon, p. 9.

1st. Sermon.
p. 9. 3. I might add, that if *Resistance*, then also an Oath of Allegiance to any but the proper Sovereign, is most contrary to the Constitution of our Government, to the fundamental Establishment of it, the many publick Acts and Declarations that are made concerning it, (such as 5 Eliz. c. 1. and 1 Jac. 1. c. 1. and others,) and the many Oaths by which we are restrained against it, which these dissatisfied Persons once thought themselves bound to take, and now think themselves bound to keep them, and cannot unloose them as Samson did *Wibs*.

1st. Sermon.
p. 10. 4. Because none amongst us could possibly have a power of excluding the rightfull King from his Government, so long as there is any truth in that Doctrine which we have been taught not many Years since, namely, that we have not such a Government as the Lacedemonians under their Kings and Ephori, or as in some other places, where the true Sovereignty is not as it is here in the Prince; our Case being such, that no English man, who knows the Constitution of our Kingdom, can be any more ignorant who has the Sovereign Power, (and by consequence who is by our Constitution unaccountable and irresistible,) than a Servant can be ignorant who is the Master of the House where he liveth.

p. 11. 5. Because they may think taking the Oath would be a kind of owning the Peoples Power to pull down and set up Princes; and this they might justly fear would be of very mischievous consequence to the Nation, since *Resistance* onely, which is far less than a perpetual Exclusion, is said to have to ill an effect, that though it is possible that some Inconveniences may happen sometimes to Mankind, by their Governours abusing their Power and Authority, and using it to serve their own Wills and Pleasures, rather than the publick Good; yet there is much less Mischiefe likely to befall Mankind from thence, than there would if they should be allowed to disobey and resist as they thought fit.

2d. Sermon.
p. 22. 6. Besides, They may very well be conceived to think, that if a Prince might be resisted, or (which is the same thing) violently kept out of his Dominions, it ought to be in one of these four Cases, the Case of Religion, the Case of Regal Rights, the Case of natural Defence, and the otherwise remediless Case, by the Encroachment of Princes. But as to these they have been taught, and profess themselves verily to believe,

p. 23. 1. That they may shew their Zeal and Love to Religion a better way, than by thus resisting and fighting, and I may add, that by adhering to and abetting those that do resist and fight against their proper Sovereign for it; for that is to doe what our Religion expressly forbids, and which can no way consist with that Love we should have for it; that there is another and much better way to demonstrate the highest Affection for Religion, and that is by suffering for it, and enduring all manner of evils rather than forsake it; and that this is a likelier Method to prove and propagate it, and to transmit it down to Posterity, both with safety and Credit.

p. 25. 2. That our Law hath made an expresse Declaration, that it is not lawfull to resist upon any account whatsoever, and that as long as the power of the Sword is wholly

wholly in the King by the Law of God and Man, none may draw it without Authority derived from him; and that therefore we should be like the Primitive Christians, who suffered themselves to be punished, *adversus formam, adversus naturam judicandi, contra ipsas quoque leges.* 2d. Sermon. p. 26.

3. That Self-defense is at most permission, no Law of Nature; and that positive Constitutions may limit and restrain natural Right in that or any other Case; and withall, that though the Law of Nature allows to resist private Violence in ones own defence; yet it does not to resist the publick Magistrate, for that would be destructive of publick Good, and injurious to the Peace and Welfare of Mankind, which the other is not. p. 27.

4. And lastly, they have been taught, that they must never expect to find a remedy against all possible Inconveniences in this World, but shall be always subject to some publick as well as private Evils; that the Projectours of the late Times would have the Prince accountable to the People, but never was more mischief done, than by that Traiterous device; that there must be unaccountable Sovereignty somewhere; that a legal Constitution, such as our own, is a great security to us; that things would not stand long bent by an illegal Force, but would by degrees unloosen themselves, and would come right again in a little time; and, which is much more considerable than all this, that God's Providence and Government of the World is the best security in this and all other Evils we are subject to; that Princes are God's immediate Officers and Lieutenants, and he will take particular Inspection over them, that they abuse not his People committed to their charge; that to him alone they are accountable, and therefore he who has exempted them from the cognizance of others, will take the matter into his own hands; that *satis est quod Deum expectant Ultorem*; that a Tyrann's Subjects have not half so much reason to fear his Power, as he has to be afraid of God's; that the great Patron of Justice will set Bounds to the Power and Injustice of Princes, and, as far as is necessary for the good of the World, and for his wise Designs, so far shall they go, and no farther. p. 28. Id. p. 30. p. 31.

These things have been publickly taught, and they are so plain and convincing, that divers you see are not able to withstand their Force, howsoever others may. And as we have been not long since taught thus, both from the Pulpit and the Press, so if we a little consult our standing Laws, and the nature of our Constitution, and the late Opinion of all our beneficed Divines, we shall easily see all these agreeing hereto. For,

1. There is a Statute of 1 Jac. 1. that very expressly declares the Right to the Monarchy to have lineally descended to the Prince, and by proximity of Blood, and that hereupon he was recognized and submitted to by the whole Nation, and not upon any Choice or Election of the People. There is another of the same King, that enjoins the Oath of Allegiance to him, as the true and aright full King, and (which deserves well to be considered) makes it Treason to go about to persuade one to take the Oath to any else. 3 Jac. 1. c. 4. And so long as Mens Allegiance is thus due to the rightfull King, you would be very kind, if you would shew

show those who are dissatisfied, that they may transfer to any other without Sin.

2. That neither the Peers of this land, nor the Commons, nor both together in Parliament or out of Parliament; nor the People collectively, nor Representatively, nor any other persons whatsoever, have any coercive power over the persons of the Kings of this Realm is as plainly declared as words can do it. 12 Car. 2. c. 30. with other Acts to the same purpose. And *Bracton* you know tells us, that if the people be at any time oppressed by their King, they are to use only the primitive Arms of prayers and Tears. His words are these: *Si autem ab eo petatur ----- locus erit, supplicationi, quod factum Secum corrigat, & emendet, quod quidem si non fecerit, satis sufficit ei ad Pœnam &c.* And not only your self, but all other Beneficed Divines were so well perswaded of this, that it is very well known, you have all in a solemn manner professed, that *it is not Lawfull upon any pretence whatsoever to take up Arms against the King, or any commissioned by him;* which it is to be hoped you did in the sincerity of your hearts, and what strong Reasons any of you may have met with since to alter their Judgments, I cannot tell.

Again lastly, It is possible that some at least of those whose defence I have here undertaken may be dissatisfied concerning the power that enjoins these Oaths For they may think perhaps that by our Constitution a Convention hath no power at all in Law and therefore may not be of power enough to alter the Succession, and so may question whether this be a Lawful King; or suppose they could get over this stumbling block, there is yet another very considerable doubt arises in Relation to the house of Commons whether they had any Authority to Act as an house of Parliament in imposing these Oaths. And this is not a needless scruple if we consider that,

1. Our Law owns no Parliaments, but what are called by the Kings Writs.
2. Nor doth it know any member of the Lower house, but who are chosen for a Parliament.
3. Nor doth it give a Right to any to Act in the house, til they have taken the Test.
4. And if any one enter and take their place there before they have taken the Oath of Supremacy, their place is void and they are not at liberty to take it afterwards, but new Election is to be made. 5. *Eliz. c. 1.*
5. And lastly, The former Oaths of Allegiance and Supremacy have been so imposed by divers Statutes, and are so expressly required of all Members of Parliament, that none could possibly have a Power of Substituting others in their stead, til they had taken those, and had sworn, if not that they believed King *James*, yet at least that they believed King *William* to be rightfull King of this Land.

Wherefore upon these several Accounts, its possible some may think, (for I will not undertake to speak positively of other Mens private Sentiments,) its possible, I say, that some may think these new Oaths not to be enjoined by a competent Authority, and that supposing they had believed the matter of them to be lawfull, (which I am pretty well satisfied they do not,) yet they could not think they ought to take them as now imposed.

Here Sir. I have presented you with some of those Reasons, which our dissatisfied Clergy may have to offer for themselves. And now that I have given you this trouble, I must take the boldness to add another to it, and that is to intreat that you will be so kind, as not to shift off the matter to a Conquest, which is neither owned by King nor People, nor to a vacancy by a voluntary Dejection, which is a falsity in matter of Fact, and no way reconcilable to the Kings Design of sending to the Convention in order to return, and his appearing since in Arms to recover his Right, and which, had it been true, could never have amounted to a Resignation, unless it had been apparently without a design of returning again to his Government, which this could not be said to be; but that you will return a serious Answer, and such as you will not be ashamed of at the last, whereby you will oblige,

Sir.

Your Humble Servant.